

Community trade mark and its relation to a national trade mark (RESUMÉ)

The purpose of my thesis is to describe and analyse the system of the protection of trade marks in the European Union in comparison with the protection granted to trade marks in member states, mainly in the Czech Republic.

The thesis is divided into five chapters. Each chapter deals with different aspect of trade mark protection. The introduction of the thesis outlines main parts of the system of intellectual property rights and focuses on the trade mark and its importance in the European Union.

Chapter One deals with possibilities of protection of the trade mark in the European Union. This chapter further specifies national trade mark system and its legal regulation in the European Union and in the Czech Republic and international trade mark system called Madrid system.

Chapter Two describes grounds for establishment and existence of the Community trade mark. Description of legal regulation and sources, characteristic features and types of the Community trade mark is the subject of further parts of this chapter. Chapter Two also provides with the enumeration of possible owners of the Community trade mark, their rights and obligations and with the ways of disposal with their property.

Chapter Three is subdivided into three parts and examines the whole process of registration of the Community trade mark. The first part of this chapter deals with the essential formal and content requirements of the application of the Community trade mark and its filling. The second part describes the registration and the grounds for refusal of the application. These grounds are compared with the grounds for refusal of registration of the national trade mark according to the Czech legislation. The last part illustrates possibilities of the applicant's protection against decisions of the Office for Harmonization in the Internal Market.

Subjects of the Chapter Four are the cancellation and invalidity of the Community trade mark and its reasons and procedural aspects. As in the previous chapter the reasons for cancellation and invalidity are compared with reasons of cancellation and invalidity of national trade marks according to the Czech legislation.

The relationship between Community trade mark and national trade mark is analyzed in the Chapter five. The general coexistence between both systems is described in the first part of this chapter. The second part of the chapter highlights the most important aspects of the coexistence of Community and national trade marks – the seniority and the conversion of the application or trade mark.

Conclusions, final analysis and comparisons are drawn in the closing of this thesis. The closing also summarises the advantages of Community trade mark in comparison with the national trade mark and Madrid system. The expectation of further development of new types of Community trade mark as a result of the effort of applicants to obtain the greatest competitive advantage possible is expressed at the end of the closing.